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cc:  
Subject: Skinner Landfill/More on Discovery Responses

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Annette and Craig:

Thought I would pass on that the information I used to respond to Aeronca's requests relating to potassium permanganate is derived in part from page of Table 2-1 of the 1991 Baseline Risk Assessment. That document shows that manganese remained a chemical of concern in the groundwater and in mill creek. I assume then that this supported, at the very least, the 1992 ROD for the alternative water supply. The 1992 ROD specifically refers to the findings of the 1991 RA in support of the decision.

The response to Whitton's question relating to the Ohio Revised Code Section re deadline for submitting a claim is based in part that Whitton cites the wrong sub-section. And, even the "right" section may be the wrong section because there are other provisions of the Revised Code setting forth procedures for contingent claims. I'll confess that I have to learn a little more probate law before I tell you if the issue of the contingent claim is to our benefit.

One other thought I had in preparing these the Whitton responses is that John J. Whitton Trucking, Co., even though it may have been a sole proprietorship, was holding itself out as a corporation and that any transfer of assets from John J. Whitton Trucking Co. to John J. Whitton, Inc. operated also as an assumption of liabilities. I'll also confess that I need to look into this, but there is Florida state case law supporting this interpretation.

Talk to you tomorrow.

Mike

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